UNITED STATES DISTRICT COURT

| Eastern | District of | North Carolina | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|----------------------------------------|
| UNITED STATES OF AMERICA V. | JUDGMENT | Γ IN A CRIMINAL CASE | |
| DAVID MCARTHUR KING | Case Number: | 4:14-CR-7-1H and 4:14-CR-40-1H | |
| | USM Number: | 58300-056 | |
| | Christopher J. | Locascio | |
| THE DEFENDANT: | Defendant's Attorne | у | |
| ✓ pleaded guilty to count(s) 1s, 2s, & 3s (4:14-C | R-7) and 1 (4:14-CR-40) | | |
| | | | |
| was found guilty on count(s) after a plea of not guilty. | | | |
| The defendant is adjudicated guilty of these offenses: | | | |
| <u>Title & Section</u> <u>Nature of C</u> | <u>)ffense</u> | Offense Ended | Count |
| 18 U.S.C. § 2113(a), 18 U.S.C. § 2113(d), Armed Bank and 18 U.S.C. § 2 | Robbery and Aiding and Abetting | 12/2/2013 | 1s (CR-7) |
| **Continued on page 2 | | | |
| The defendant is sentenced as provided in pages the Sentencing Reform Act of 1984. | s 2 through 7 of | this judgment. The sentence is imposed | d pursuant to |
| ☐ The defendant has been found not guilty on count(s) | · | | |
| ✓ Count(s) 4s (CR-7) and 2 (CR-40) | is 🗹 are dismissed on the | ne motion of the United States. | |
| It is ordered that the defendant must notify the or mailing address until all fines, restitution, costs, and sp the defendant must notify the court and United States a | United States attorney for this doccial assessments imposed by t ttorney of material changes in e | istrict within 30 days of any change of this judgment are fully paid. If ordered to conomic circumstances. | name, residence, o pay restitution, |
| Sentencing Location: | 12/10/2014 | | |
| Greenville, NC | Date of Imposition of | of Judgment | |
| | Signature of Judge | | |
| | The Honorabl | e Malcolm J. Howard, Senior US Di | istrict Judge |
| | 12/10/0214 Date | | |

NCED Sheet 1A

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DEFENDANT: DAVID MCARTHUR KING

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ADDITIONAL COUNTS OF CONVICTION

| Title & Section | Nature of Offense | Offense Ended | Count |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------|-----------|
| 18 U.S.C. § 924(c)(1)(A) and 18 U.S.C. § 2 | Brandishing a Firearm During and in Relation to a Crime of Violence and Aiding and Abetting | 12/2/2013 | 2s (CR-7) |
| 18 U.S.C. § 1951 and 18 U.S.C. § 2 | Robbery of a Business Engaged in Interstate Commerce and Aiding and Abetting | 12/2/2013 | 3s (CR-7) |
| 18 U.S.C. § 2113(a), 18 U.S.C. § 2113(d), and 18 U.S.C. § 2 | Armed Bank Robbery and Aiding and Abetting | 12/2/2013 | 1 (CR-40) |

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

240 months (156 months on Counts 1 and 3 (4:14-CR-7-H1) and Count 1 (4:14-CR-40-H1), to be served concurrently, and a term of 84 months on Count 2 (4:14-CR-7-H1), to be served consecutively, for a total term of 240 months)

The court makes the following recommendations to the Bureau of Prisons:

The court recommends the defendant receive the most intensive mental health and drug treatment available during his incarceration.

| \checkmark | The defendant is remanded to the custody of the United States Marshal. | | | | |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------|--|--|--|--|
| | The defendant shall surrender to the United States Marshal for this district: | | | | |
| | □ at □ a.m. □ p.m. on | | | | |
| | as notified by the United States Marshal. | | | | |
| | The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons: | | | | |
| | □ before p.m. on | | | | |
| | as notified by the United States Marshal. | | | | |
| | as notified by the Probation or Pretrial Services Office. | | | | |
| | | | | | |
| | RETURN | | | | |
| I have | e executed this judgment as follows: | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | Defendant delivered on to | | | | |
| a, with a certified copy of this judgment. | | | | | |
| | | | | | |
| | UNITED STATES MARSHAL | | | | |
| | Po- | | | | |
| | DEPUTY UNITED STATES MARSHAL | | | | |

Sheet 3 - Supervised Release

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

5 years (5 years on Cts. 1 and 2 (4:14-CR-7-H1) and Count 1 (4:14-CR-40-H1), and 3 years on Ct. 3 (4:14-CR-7-H1) to run concurrently) The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests

| ther | eafter, as determined by the court. | |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| | The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. | |
| Ø | The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.) | |
| Ø | The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.) | |
| | The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is student, as directed by the probation officer. (Check, if applicable.) | ì |
| | The defendant shall participate in an approved program for domestic violence. (Check, if applicable.) | |
| Sche | If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the edule of Payments sheet of this judgment. | |

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1. The defendant shall not leave the judicial district or other specified geographic area without the permission of the court or probation
- 2. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five (5) days of each month.
- 3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4. The defendant shall support the defendant's dependents and meet other family responsibilities.
- The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other 5. acceptable reasons.
- The defendant shall notify the probation officer at least then (10) days prior to any change of residence or employment. 6.
- The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician.
- The defendant shall not frequent places where controlled substances are illegally sold, used distributed, or administered, or other 8. places specified by the court.
- The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- The defendant shall permit a probation officer to visit the defendant at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11. The defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer.
- 12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office.

The defendant shall provide the probation office with access to any requested financial information.

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinallysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

The defendant shall participate in a program of mental health treatment, as directed by the probation office.

The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

The defendant shall participate in such vocational training program as may be directed by the probation office.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| тот | Assessment 400.00 | Fine S | Restituti \$ 61,539.5 | | | |
|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------|------------------------------------------------|-------------------------|--|
| | The determination of restitution is deferred untilafter such determination. | . An Amended Judgme | nt in a Criminal Case | (AO 245C) will be | entered | |
| | The defendant must make restitution (including community restitution) to the following payees in the amount listed below. | | | | | |
| | If the defendant makes a partial payment, each payee shal the priority order or percentage payment column below. before the United States is paid. | ll receive an approximatel However, pursuant to 18 | ly proportioned payment U.S.C. § 3664(i), all no | , unless specified oth nfederal victims mus | erwise in st be paid | |
| Nam | e of Payee | Total Loss* | Restitution Ordered | Priority or Percent | tage | |
| Fire | st Citizens Bank | \$33,707.00 | \$33,707.00 | | | |
| Fiv | e Points Mini-Mart | \$3,000.00 | \$3,000.00 | | | |
| TD | Bank | \$24,742.50 | \$24,742.50 | | | |
| Kai | tlin Vonheeder | \$90.00 | \$90.00 | | | |
| | TOTALS | \$61,539.50 | \$61,539.50 | | | |
| | | | | | | |
| | Restitution amount ordered pursuant to plea agreement \$ | | | | | |
| □0 | The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g). | | | | 1 | |
| The court determined that the defendant does not have the ability to pay interest and it is ordered that: | | | | | | |
| the interest requirement is waived for the fine restitution. | | | | | | |
| ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows: | | | | | | |

^{*} Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B NCED

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SCHEDULE OF PAYMENTS

| Uor | | assessed the defendant's shility to | more more manual of the total | .1 | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| A A | _ | ssessed the defendant's ability to Lump sum payment of \$ | | | • | ows: |
| | | | | • | | |
| | | not later than in accordance | , or C, D, E, | or F below; | or | |
| В | \checkmark | Payment to begin immediately (| may be combined with | □C, □ | o, or F below); or | |
| C | Π. | Payment in equal (e.g., months or y | (e.g., weekly, mont ears), to commence | hly, quarterly) inst | allments of \$ or 60 days) after the date o | over a period of f this judgment; or |
| D | | Payment in equal (e.g., months or yetterm of supervision; or | (e.g., weekly, mont ears), to commence | hly, quarterly) insta | allments of \$ or 60 days) after release from | over a period of om imprisonment to a |
| E | | Payment during the term of sup- imprisonment. The court will se | | | | |
| F | \checkmark | Special instructions regarding th | ne payment of criminal | nonetary penalties: | : | |
| | | Payment of the special assessment immediately, the special assessmen the defendant pay a minimum paym resources and ability to pay, orders tafter the defendant's release from prability to pay the restitution ordered a | t and restitution may be paid ent of \$25 per quarter throu hat any balance still owed a ison. At the time of the defe | I through the Inmate F gh the IFRP, if availab at the time of release s endant's release, the p | inancial Responsibility Program de. The court, having consider shall be paid in installments of \$ probation officer shall take into c | n (IFRP). The court orders that ed the defendant's financial 50 per month to begin 60 days |
| Unle imp Res | ess the rison ponsi | e court has expressly ordered othe ment. All criminal monetary pe bility Program, are made to the c | rwise, if this judgment in nalties, except those pa lerk of the court. | nposes imprisonme ayments made thro | nt, payment of criminal mor ough the Federal Bureau o | netary penalties is due durir f Prisons' Inmate Financi |
| The | defer | ndant shall receive credit for all p | ayments previously ma | de toward any crim | inal monetary penalties imp | posed. |
| ✓ | Join | t and Several | | | | |
| Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Sever and corresponding payee, if appropriate. | | | | nt and Several Amount, | | |
| | The | omas Lee Cuthbertson, Jr. | 4:14-CR-7-2H and 4: | 14-CR-40-2H | \$58,539.50 | |
| | Khi | ry Terrel Jones | 4:14-CR-40-3H | \$33,797 | | |
| | The defendant shall pay the cost of prosecution. | | | | | |
| | The defendant shall pay the following court cost(s): | | | | | |
| | The defendant shall forfeit the defendant's interest in the following property to the United States: | | | | | |

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.